



General Assembly

January Session, 2011

Amendment

LCO No. 6853

SB0101506853SR0

Offered by:
SEN. BOUCHER, 26th Dist.

To: Senate Bill No. 1015

File No. 605

Cal. No. 375

"AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 12-650 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 As used in this chapter:

6 (1) "Marijuana" means any marijuana, whether real or counterfeit, as
7 defined in subdivision (29) of section 21a-240, that is (1) held,
8 possessed, transported, sold or offered to be sold in violation of any
9 provision of the general statutes, or (2) purchased, possessed or
10 acquired for palliative use, and includes, but is not limited to, a
11 marijuana plant purchased, possessed or acquired for palliative use;

12 (2) "Controlled substance" means any controlled substance as
13 defined in subdivision (9) of section 21a-240, that is held, possessed,
14 transported, sold or offered to be sold in violation of any provision of

15 the general statutes;

16 (3) "Dealer" means any person who, in violation of any provision of
17 the general statutes, manufactures, produces, ships, transports, or
18 imports into the state or in any manner [acquires or] possesses or
19 acquires more than forty-two and one-half grams of marijuana or
20 seven or more grams of any controlled substance or ten or more
21 dosage units of any controlled substance which is not sold by weight;
22 [and]

23 (4) "Commissioner" means the Commissioner of Revenue Services;

24 (5) "Palliative use" has the same meaning as provided in section 1 of
25 this act;

26 (6) "Primary caregiver" has the same meaning as provided in section
27 1 of this act;

28 (7) "Qualifying patient" has the same meaning as provided in
29 section 1 of this act; and

30 (8) "Usable marijuana" has the same meaning as provided in section
31 1 of this act.

32 Sec. 502. Section 12-651 of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective October 1, 2011*):

34 (a) A tax is imposed on (1) any marijuana or controlled substances
35 purchased, acquired, transported or imported into the state, or (2) any
36 useable marijuana purchased or acquired for palliative use, or any
37 marijuana plant purchased, possessed or acquired for palliative use.
38 Payment [thereof] of such tax shall be evidenced by the permanent
39 affixing of stamps on the marijuana or controlled substance
40 immediately after receipt or, with respect to useable marijuana
41 purchased or acquired for palliative use or a marijuana plant
42 purchased, possessed or acquired for palliative use, in such other
43 manner as the commissioner may prescribe. Each stamp or other
44 official indicia may be used only once.

45 (b) The tax imposed pursuant to this section shall be at the following
46 rates: (1) On each gram of marijuana or portion of a gram, three dollars
47 and fifty cents, [and] (2) on each gram of a controlled substance, or
48 portion of a gram, two hundred dollars or on each fifty dosage units of
49 a controlled substance that is not sold by weight, or portion thereof,
50 two thousand dollars, or (3) with respect to marijuana for palliative
51 use, on each ounce of useable marijuana or portion of an ounce, five
52 dollars, and on each marijuana plant, two dollars. For the purpose of
53 calculating the tax due under this section, a gram or an ounce of
54 marijuana or other controlled substance is measured by the weight of
55 the substance in the dealer's possession, or the weight of the usable
56 marijuana in the qualifying patient's or primary caregiver's possession.

57 (c) Any tax imposed pursuant to this section is due and payable
58 immediately upon [acquisition or] possession or acquisition in this
59 state by a dealer, or immediately upon purchase or acquisition of
60 useable marijuana by a qualifying patient or primary caregiver or
61 purchase, possession or acquisition of a marijuana plant by a
62 qualifying patient or primary caregiver.

63 (d) Any tax collected by the commissioner pursuant to this chapter
64 shall be paid to the State Treasurer and credited to the account
65 established in section 506 of this act.

66 Sec. 503. Section 12-652 of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2011*):

68 No dealer, qualifying patient or primary caregiver may possess or
69 acquire any marijuana or controlled substance upon which a tax is
70 imposed pursuant to section 12-651, as amended by this act, unless the
71 tax has been paid on the marijuana or controlled substance as
72 evidenced by a stamp, [or] other official indicia or in such other
73 manner as the commissioner prescribes.

74 Sec. 504. Section 12-658 of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective October 1, 2011*):

76 [The] Except as specifically provided in section 12-651, as amended
77 by this act, the provisions of this chapter shall not be construed to
78 require persons lawfully in possession of marijuana or a controlled
79 substance pursuant to any provision of the general statutes to pay the
80 tax imposed pursuant to section 12-651, as amended by this act.

81 Sec. 505. (NEW) (*Effective October 1, 2011*) (a) The Commissioner of
82 Public Health shall provide grants-in-aid to fund cancer research from
83 the cancer research account established in section 506 of this act. Such
84 grants shall be provided to hospitals and medical schools in this state
85 for the purpose of conducting cancer research within such hospitals
86 and medical schools. Such grants-in-aid may be in addition to moneys
87 expended to such hospitals and medical schools from the breast cancer
88 research and education account pursuant to section 19a-32b of the
89 general statutes.

90 (b) The Commissioner of Public Health shall adopt regulations, in
91 accordance with chapter 54 of the general statutes, to provide for the
92 distribution of grants-in-aid available pursuant to this section.

93 Sec. 506. (NEW) (*Effective July 1, 2011*) There is established a cancer
94 research account which shall be a separate, nonlapsing account within
95 the General Fund. The account shall contain any taxes collected
96 pursuant to chapter 228d of the general statutes and any other moneys
97 required by law to be deposited in the account, and shall be held in
98 trust separate and apart from all other moneys, funds and accounts.
99 Any balance remaining in the account at the end of any fiscal year shall
100 be carried forward in the account for the fiscal year next succeeding.
101 Investment earnings credited to the account shall become part of the
102 account. Amounts in the account shall be expended only pursuant to
103 appropriation by the General Assembly for the purpose of providing
104 funds to the Department of Public Health to provide grants-in-aid for
105 cancer research pursuant to section 505 of this act."